



U.S. DEPARTMENT OF JUSTICE
Federal Bureau of Prisons
Metropolitan Correctional Center

150 Park Row

New York, New York 10007

August 14, 2020

The Honorable Edgardo Ramos
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square New York, NY 10007

Re: *Cesar Fernandez-Rodriguez, et al. v. Marti Licon-Vitale*
Civil Action No. 20 Civ. 3315 (ER)

Dear Judge Ramos:

As promised in my May 29 letter to the Court, please find the following information:

- The number of inmates tested for COVID-19 and the number who have tested positive since the last report (August 3); **240 tested and 4 positives and 1 inconclusive result and 58 still pending results. We have now been able to go back to checking the specific date range for results.**
- The number of inmates who MCC medical staff has determined to have symptoms of COVID-19 since the last report and confirmation contact tracing investigations have been completed (or are underway) for each of them; **All positive inmates have been asymptomatic. We were conducting testing in Unit 11 South out of quarantine recently and received a few more positive results. We have isolated those inmates and are currently restarting the quarantine period for the entire unit. We have done contact tracing for each of the positive inmates by quarantining their units and notifying staff and inmates of the positive inmates.**
- The current number of inmates in isolation for suspected or confirmed COVID-19 infection; **9**
- The number of staff who have informed MCC they tested positive for COVID-19 since the last report, and confirmation contact tracing investigations have been completed (or are underway) for each of them; **0**

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- Confirmation handwritten and electronic sick call requests are being reviewed daily and inmates are being timely scheduled for medical appointments based on medical need and staff resources; **Yes and each day I now receive a confirmation email from the Associate Warden this has been completed and I check the box myself daily.**
- Confirmation hygiene and cleaning supplies have been distributed in all inmate units since the last report; **Yes**
- The number of MCC inmates released pursuant to: compassionate release, full term release, good conduct time release, and MCC referrals to home confinement or a residential reentry center since the last report; **5**
- A redacted list of inmates who have been denied home confinement, and the justifications for those denials, since the last report. **0**, we have had two inmates appeal the decision and have lost their appeal because they were still not eligible.

As a result of testing inmates and new commits received from the Marshals, MCC lacks quarantine beds in the dedicated isolation/quarantine units. This has resulted in the placement of some asymptomatic inmates in the Special Housing Unit (SHU) for isolation or quarantine. We will begin moving the quarantined inmates to general population units shortly which will create isolation/quarantine bed space. My plan is to re-dedicate an entire unit as an intake/quarantine/isolation unit through attrition, which will no longer require using the SHU. I will update the Court on this matter in my next report.

I will be out of the office on August 28, I would like to provide my next update to the Court on September 4, absent further order from the Court. I thank the Court for its attention to this significant matter.

Respectfully submitted,



M. Licon-Vitale
Warden
MCC New York